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8 **BEFORE THE**
BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 914-A

13 **JANE ZHENG WANG**
1267 Crestpoint Drive
14 San Jose, CA 95131,

A C C U S A T I O N

15 **Civil Engineer License No. C 56249,**

16 Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. David E. Brown (Complainant) brings this Accusation solely in his official capacity
21 as the Executive Officer of the Board for Professional Engineers and Land Surveyors,
22 Department of Consumer Affairs.

23 2. On or about July 26, 1996, the Board for Professional Engineers and Land Surveyors
24 issued Civil Engineer License Number C 56249 to Jane Zheng Wang (Respondent). The Civil
25 Engineer License was in full force and effect at all times relevant to the charges brought herein
26 and will expire on December 31, 2010, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board for Professional Engineers and Land Surveyors (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 6775 of the Code states, in pertinent part, that "[T]he board may reprove, suspend for a period not to exceed two years, or revoke the certificate of any professional engineer registered under this chapter:

...

(c) Who has been found guilty by the board of negligence or incompetence in his or her practice.

(d) Who has been found guilty by the board of any breach or violation of a contract to provide professional engineering services.

...

(h) Who violates any provision of this chapter."

5. Section 6749 of the Code states:

"(a) A professional engineer shall use a written contract when contracting to provide professional engineering services to a client pursuant to this chapter. The written contract shall be executed by the professional engineer and the client, or his or her representative, prior to the professional engineer commencing work, unless the client knowingly states in writing that work may be commenced before the contract is executed. The written contract shall include, but not be limited to, all of the following:

(1) A description of the services to be provided to the client by the professional engineer.

(2) A description of any basis of compensation applicable to the contract, and the method of payment agreed upon by the parties.

(3) The name, address, and license or certificate number of the professional engineer, and the name and address of the client.

(4) A description of the procedure that the professional engineer and the client will use to accommodate additional services.

FACTUAL BACKGROUND

8. In or about May 2005, Forest Homes Homeowners Association ("Forest Homes") hired Respondent to prepare structural calculations and engineering drawings to address parking deck and carport repairs to property located at 560 Forest Avenue, Palo Alto, California.

According to the "Statement of work and agreement" between the parties, Respondent was to complete the project "within weeks" for a fee that would not exceed \$10,000. The scope of the work consisted of preparing parking layout plans "together with design, improvements and structural data" for the garage, coordinating with Forest Homes, meeting with the City of Palo Alto Planning Office ("City") and submitting stamped and signed calculations and engineering drawings for final approval.

Work commenced in or about May 2005. Between July and November 2005, Forest Homes made many inquiries as to the status of the project. In or about January 2006, Respondent indicated to Forest Homes that she had completed her design and was prepared to submit it to the City. Respondent's work product and design for the Forest Homes project included:

1. Five sheets of stamped but unsigned structural calculations, dated March 7, 2006, which consisted of a title page, three sheets of computer-generated analysis for steel column column and square footing design and two pages of hand calculations. These structural calculations did not include a key plan of the garage and deck, which made it difficult to ascertain whether the calculations comprehensively addressed all of the affected conditions.

2. CAD-generated general notes, building plans and various structural cross-sections and details. However, there were no minutes or notes provided that memorialized any meetings with Forest Homes or the City.

3. Two photographs of the garage and ramp at the Forest Homes property, but no other indicia of field inspections such as written notes, photographs, field measurements and sketches.

Based on Respondent's work product, payment of \$5,000 was made by Forest Homes to Respondent on or about January 30, 2006.

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b. Respondent's engineering calculations and drawings failed to include Respondent's signature and expiration date of her engineering license.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board for Professional Engineers and Land Surveyors issue a decision:

1. Revoking or suspending Civil Engineer License Number C 56249, issued to Jane Zheng Wang Jane Zheng Wang.
2. Ordering Jane Zheng Wang to pay the Board for Professional Engineers and Land Surveyors the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: 4/15/10

Original Signed

DAVID E. BROWN

Executive Officer

Board for Professional Engineers and Land Surveyors

Department of Consumer Affairs

State of California

Complainant

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